

1 WRIGHT, FINLAY & ZAK, LLP  
2 Edgar C. Smith, Esq.  
3 Nevada Bar No. 5506  
4 Christopher Alan James Swift, Esq.  
5 Nevada Bar No. 11291  
6 7785 W. Sahara Avenue, Suite 200  
7 Las Vegas, Nevada 89117  
8 (702) 666-0632; Fax: (702) 946-1345  
9 [cswift@wrightlegal.net](mailto:cswift@wrightlegal.net)  
10 *Attorneys for Ocwen Loan Servicing, LLC*

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:

CHRISTOPHER MICHAEL MARINO, and  
VALERIE MARGARET MARINO,

Debtors

Case No.: 13-50461-BTB

Chapter 7

**SUPPLEMENT TO MOTION FOR  
RECONSIDERATION OF ORDER  
REGARDING MOTION TO REOPEN  
CHAPTER 7 UNDER 11 U.S.C. §350 AND  
F.R.B.P. 5010 AND HOLD CREDITOR ,  
OCWEN LOAN SERVICING, LLC, IN  
CONTEMPT AND FOR SANCTIONS  
FOR VIOLATION OF THE  
DISCHARGE INJUNCTION 11 U.S.C.  
§524(a)(2) [Docket No. 67]**

COMES NOW secured creditor OCWEN LOAN SERVICING, LLC ("Ocwen") and submits its Supplement to its Motion for Reconsideration of the Order Regarding Motion to Reopen Chapter 7 Under 11 U.S.C. §350 and F.R.B.P. 5010 and Hold Creditor, Ocwen Loan Servicing, LLC, in Contempt and for Sanctions for Violation of the Discharge Injunction 11 U.S.C. §524(a)(2) [Docket No. 67].

///

///

///

///

1 For this Court's consideration, attached to this Supplement is the Affidavit of Katherine  
2 Ortwerth, a loan analyst for Ocwen.

3 Dated: August 8, 2016

WRIGHT, FINLAY & ZAK, LLP

4 /s/ Christopher A.J. Swift, Esq.

5 Edgar C. Smith, Esq.

Nevada Bar No. 5506

6 Christopher Alan James Swift, Esq.

Nevada Bar No. 11291

7 7785 W. Sahara Avenue, Suite 200

8 Las Vegas, Nevada 89117

(702) 666-0632; Fax: (702) 946-1345

9 cswift@wrightlegal.net

10 *Attorneys for Ocwen Loan Servicing, LLC*

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

1. On August 8, 2016, I served the following document(s):

**SUPPLEMENT TO MOTION FOR RECONSIDERATION OF ORDER  
REGARDING MOTION TO REOPEN CHAPTER 7 UNDER 11 U.S.C. §350  
AND F.R.B.P. 5010 AND HOLD CREDITOR, OCWEN LOAN SERVICING,  
LLC IN CONTEMPT AND FOR SANCTIONS FO RVIOLATION OF THE  
DISCHARGE INJUNCTION 11 U.S.C. §524(a)(2) [Docket No. 67]**

2. I served the above-named document(s) by the following means to the persons as listed below:

(Check all that apply)

- a. ECF System (You must attach the "Notice of Electronic Filing", or list all persons and address and attach additional paper if necessary)

SETH J. ADAMS on behalf of Creditor DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS TRUSTEE FOR GMACM MORTGAGE LOAN  
TRUST

sadams@woodburnandwedge.com, NVBK@mccarthyholthus.com

CHRISTOPHER PATRICK BURKE on behalf of Debtor CHRISTOPHER  
MICHAEL MARINO

attycburke@charter.net

CHRISTOPHER PATRICK BURKE on behalf of Joint Debtor VALERIE  
MARGARET MARINO

attycburke@charter.net

W. DONALD GIESEKE

wdg@renotrustee.com, dgieseke@ecf.epiqsystems.com

U.S. TRUSTEE - RN - 7

USTPRegion17.RE.ECF@usdoj.gov

- b. United States mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary)

CHRISTOPHER MICHAEL MARINO

POB 565

VERDI, NV 89439

VALERIE MARGARET MARINO

POB 565

VERDI, NV 89439

☐ c. Personal Service (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

---

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct email (as opposed to through the ECF System) (List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

---

☐ e. By fax transmission (List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

---

☐ f. By messenger (List persons and addresses. Attached additional paper if necessary)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to the Certificate of Service).

---

I declare under penalty of perjury that the foregoing is true and correct.

Signed on Monday, August 08, 2016.

/s/ Faith Harris

An employee of Wright, Finlay & Zak, LLP

1 WRIGHT, FINLAY & ZAK, LLP  
2 Edgar C. Smith, Esq.  
3 Nevada Bar No. 5506  
4 Christopher Alan James Swift, Esq.  
5 Nevada Bar No. 11291  
6 7785 W. Sahara Avenue, Suite 200  
7 Las Vegas, Nevada 89117  
8 (702) 666-0632; Fax: (702) 946-1345  
9 [cswift@wrightlegal.net](mailto:cswift@wrightlegal.net)  
10 *Attorneys for Ocwen Loan Servicing, LLC*

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:

CHRISTOPHER MICHAEL MARINO, and  
VALERIE MARGARET MARINO,

Debtors

Case No.: 13-50461-BTB

Chapter 7

**AFFIDAVIT IN SUPPORT OF MOTION  
FOR RECONSIDERATION OF ORDER  
REGARDING MOTION TO REOPEN  
CHAPTER 7 UNDER 11 U.S.C. §350 AND  
F.R.B.P. 5010 AND HOLD CREDITOR ,  
OCWEN LOAN SERVICING, LLC, IN  
CONTEMPT AND FOR SANCTIONS  
FOR VIOLATION OF THE  
DISCHARGE INJUNCTION 11 U.S.C.  
§524(a)(2)**

STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned notary public, personally appeared Katherine Ortwerth  
("Affiant"), a person whose identity is or was made known to me, after duly being sworn, stated  
as follows:

1. My name is Katherine Ortwerth. I am a loan analyst for Ocwen Financial  
Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, a party to this action. I  
am over the age of 18, and I am otherwise competent to make this affidavit. Unless otherwise  
stated, the facts stated herein are within my persona knowledge.

2. Prior to making this Affidavit, I reviewed the title documents concerning real

1 property located at 780 Beaver Creek Circle, Verdi, California, 96111 (the "Property"). I have  
2 also reviewed Ocwen's system database concerning a loan that used the Property as security.  
3 The Debtors in this action, Christopher Michael Marino and Valeria Margaret Marino, are the  
4 borrowers listed for the loan.

5 3. The information stored and/or entered in Ocwen's system database is made at or  
6 near the time the act or event concerning the information was performed and is utilized in the  
7 ordinary and regular course of business.

8 4. Ocwen's system database maintains records of telephonic communications  
9 between Ocwen and its customers.

10 5. I have reviewed Ocwen's system database regarding the telephonic  
11 communications for the Marinos' loan. Attached to this Affidavit, as Exhibit 1, is a copy of  
12 each and every telephone call, inbound and outbound, between Ocwen and the Marinos.

13 6. Ocwen made a total of 35 telephone calls to the Marinos after the discharge  
14 injunction order was entered.

15 Dated this 8th day of August, 2016.

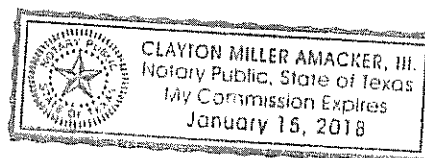
16  
17 By: Katherine Opten

18 Title: Loan Analyst

19 State of Texas  
20 County of Travis

21 SUBSCRIBED AND SWORN to before  
22 me on this 8th day of August, 2016.

23 Clayton Miller Amacker, III.  
24  
25 Notary Public  
26 My Commission Expires: 1/15/18  
27  
28



**Exhibit 1**

**Exhibit 1**

**Exhibit 1**

CALLSTARTDT	SEQNUM	CALLID	SERVICE_ID	USER_ID	CALLTYPE	PARAM2	DIALEDNUM	STATION	QUEUEDDT	CONNCLARDT	ANI	CALLACTIONDESC
2/25/14 10:44 AM	78818414	1847	1000021	sensande	Inbound			68216	2/25/14 10:45 AM	2/25/14 11:06 AM	7757450173	Answered
4/10/14 12:09 PM	181778198	186	684	salvanka	Inbound			67904	4/10/14 12:09 PM	4/10/14 12:31 PM	77061270070	Answered
6/3/14 1:02 PM	189186181	6058	1305		Automated Outbound							Hungup
6/3/14 3:03 PM	90263948	9607	1000580		Automated Outbound							Hungup
6/3/14 5:55 PM	90300655	8135	1000580		Automated Outbound							Hungup
6/4/14 2:59 PM	90381123	15493	1000067	kadirapp	Manual Outbound							Answered
6/10/14 3:59 PM	91223074	15193	1000067	kadirapp	Manual Outbound							Answered
6/11/14 4:17 PM	190280027	14973	4	kadirapp	Manual Outbound							Answered
6/11/14 5:43 PM	91396231	206	1000021	bhojanic	Inbound							Answered
6/12/14 7:12 PM	190471769	6619	1305		Automated Outbound							Hungup
6/12/14 8:16 PM	91600829	9806	1000580		Automated Outbound							Hungup
6/12/14 9:20 PM	190499751	7355	1305		Automated Outbound							Hungup
6/13/14 3:39 PM	91698489	8607	1000580		Automated Outbound							Hungup
6/13/14 4:44 PM	91706098	7286	1000580		Automated Outbound							Hungup
6/13/14 7:13 PM	91716921	6016	1000580		Automated Outbound							Hungup
6/16/14 12:06 PM	92178512	15021	1000067	kadirapp	Manual Outbound							Answered
6/16/14 12:44 PM	92185106	9566	1000580		Automated Outbound							Hungup
6/16/14 3:21 PM	92222173	8383	1000580		Automated Outbound							Hungup
6/16/14 8:14 PM	191163468	6156	1305		Automated Outbound							Hungup
6/17/14 2:37 PM	191253452	7561	1305		Automated Outbound							Hungup
6/17/14 4:25 PM	191292508	8553	1305		Automated Outbound							Hungup
6/17/14 6:05 PM	191323676	6505	1305		Automated Outbound							Hungup
6/18/14 2:18 PM	92527155	9137	1000580		Automated Outbound							Hungup
6/18/14 3:39 PM	92549335	6785	1000580		Automated Outbound							Hungup
6/18/14 9:03 PM	92661209	5893	1000580		Automated Outbound							Hungup
6/19/14 12:28 PM	191641745	9371	1305		Automated Outbound							Hungup
6/19/14 3:27 PM	191681931	8320	1305		Automated Outbound							Hungup
6/19/14 6:01 PM	191711698	6785	1305		Automated Outbound							Hungup
6/20/14 2:39 PM	92926694	7352	1000580		Automated Outbound							Hungup
6/20/14 4:37 PM	191863579	9111	1305		Automated Outbound							Hungup
6/20/14 6:02 PM	92972860	6945	1000580		Automated Outbound							Hungup
6/21/14 11:02 AM	93068664	7117	1000580		Automated Outbound							Hungup
6/21/14 1:52 PM	93112745	7697	1000580		Automated Outbound							Hungup
6/22/14 11:24 AM	93239015	6595	1000580		Automated Outbound							Hungup
6/27/14 11:57 AM	193077202	8384	1305		Automated Outbound							Hungup
6/27/14 3:07 PM	94142599	6450	1000580		Automated Outbound							Hungup
6/27/14 6:06 PM	94193176	6211	1000580		Automated Outbound							Hungup
11/24/14 11:00 AM	219192670	98	684	cambapau	Inbound			350302	11/24/14 11:00 AM	11/24/14 11:05 AM	7757450173	Transferred To Service
11/24/14 11:05 AM	219192670	206	1398		Inbound						7757450173	Rerouted
11/24/14 11:05 AM	118944504	277	1000459	upadhypr	Inbound			67095	11/24/14 11:05 AM	11/24/14 11:06 AM	775745E+18	Answered
11/24/14 11:45 AM	219215341	1375	684	kapurarm	Inbound			69765	11/24/14 11:45 AM	11/24/14 11:57 AM	77574501730	Answered
12/3/14 2:41 PM	24412022	15053	3000175	justini	Manual Outbound			65262	12/3/14 2:41 PM	12/3/14 2:42 PM	8007462936	Answered
12/9/14 1:02 PM	120913776	568	1000026	patangia	Inbound			66412	12/9/14 1:02 PM	12/9/14 1:30 PM	775745E+18	Answered
12/9/14 1:02 PM	221927322	1478	690		Inbound						7757450173	Rerouted
12/9/14 2:31 PM	120929519	807	1000026	kariaatu	Inbound			64869	12/9/14 2:31 PM	12/9/14 2:41 PM	7757450173	Answered

12/29/14 12:06 PM	226426975	1833	684 akrawase	Inbound	68852	12/29/14 12:06 PM	12/29/14 12:12 PM	77574501730	Answered
12/29/14 1:16 PM	124082173	90	1000021 nooraniis	Inbound	69811	12/29/14 1:16 PM	12/29/14 1:25 PM	77574501730	Answered

